

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FILED

OCT 11 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL VERDUZCO,

CASE No. 4:19-CV-01440-JSW

PLAINTIFF

vs.

NOTICE OF MOTION AND MOTION REQUESTING RULING ON PENDING

MIKEY PRICE, ET AL.,

MOTIONS ECF No. 171, 176.

DEFENDANTS

HON. JEFFERY S. WHITE

MEMORANDUM OF POINTS AND AUTHORITY

ARGUMENT I

PLAINTIFF HAS RECEIVED NO RULING FOR RULE 11 (b) SANCTIONS AGAINST COUNSEL BURMICH FOR
NON-COMPLIANCE WITH THE COURT'S DIRECTIVE IN ECF No. 75 TO PROVIDE DISCOVERY

"COURTS MUST, WHEN POSSIBLE, INTERPRET EACH WORD OF A LAW, SO AS TO GIVE IT MEANINGFUL EFFECT"; SILVEIRA V. LOCKER,
312 F.3d. 1083 (9th Cir. 2002)

COUNSEL BURMICH PROVIDED PLAINTIFF MISLEADING SUICIDE WATCH OBSERVATION RECORDS TO CONCEAL ADVERSE
INFORMATION. THEN PREPARED FALSE TESTIMONY UNDER OATH FOR W. ROCK FALSELY ASSERTING THAT W. ROCK DID NOT
NOTE ANYTHING OUT OF THE ORDINARY ON MAY 03, 09, 2017. THIS WAS FALSE AND REFUTED BY SUICIDE WATCH
OBSERVATION RECORDS OBTAINED BY PLAINTIFF ON APRIL 05, 2022. PLAINTIFF HAS RECEIVED NO RULING ON ECF.
No. 171 FOR RULE 11 (b) SANCTION.

ARGUMENT II

PLAINTIFF HAS RECEIVED NO RULING ON MOTION OPPOSING ALL MOTIONS FOR SUMMARY JUDGEMENT AND
RESPECTIVE REPLIES DO NOT COMPLY WITH SUMMARY JUDGEMENT RULES

PLAINTIFF FILED ECF No. 176 ARGUING THAT MOTIONS FOR SUMMARY JUDGEMENT ECF No. 126, 127, AND RESPECTIVE

1 REPLIES ECF NOs, 160, 163 ARE ALL UNSWORN, THEREFORE, CANNOT BE CONSIDERED AS EVIDENCE AT SUMMARY
2 JUDGEMENT RULES, RULE 56(c) F.R.C.P., LOCAL RULE 7-5. "AFFIDAVITS ARE ADMISSIBLE IN SUMMARY JUDGEMENT
3 PROCEEDINGS [ONLY] IF THEY ARE MADE UNDER PENALTIES OF PERJURY, MEANING THAT A DISTRICT COURT MAY PROPERLY
4 REJECT UNSWORN "DOCUMENT" S", ELDER-KEEP vs. AKSAMIT, 460 F. 979, 984 (9TH CIR. 2006).

5
6 CONCLUSION

7 PLAINTIFF IS REQUESTING A RULING ON THESE MOTIONS AS A MATTER OF LAW AND TO PRESERVE THE RIGHT ON
8 APPEALATE REVIEW FOR PREJUDICIAL ABUSE OF DISCRETION AND HARMFUL ERROR.

9
10 VERIFICATION

11 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. IF
12 CALLED UPON TO DO SO I CAN COMPETENTLY TESTIFY TO THESE MATTERS. THIS DECLARATION WAS EXECUTED ON THE
13 2ND DAY OF OCTOBER 2022 AT STOCKTON CALIFORNIA.

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PROOF OF SERVICE BY MAIL
[CCP §§ 1013(a), 2015.5]

STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN

I am a citizen of the County of SAN JOAQUIN, State of California. I am a citizen of the United States of America. I am over the age of eighteen (18) and not a party to this action. I am a resident of the County of San Joaquin, CDCR#T-45537.

My address is: DANIEL VERDUZCO, T-45537

California Health Care Facility

P.O. BOX 32110

Stockton, CA 95213

On OCTOBER 02, 2022, I served via United States Mail a copy of the following document(s): NOTICE OF MOTION AND MOTION REQUESTING RULING ON PENDING MOTIONS ECF Nos. 171, 176

The above-noted legal document(s) was placed in a sealed envelope, with postage thereon fully prepaid, addressed to the person at the address indicated below pursuant to California Code of Civil Procedure Section 1013. I placed the envelope or package in a mailbox or other like facility addressed to:

OFFICE OF THE CLERK, U.S. DISTRICT COURT
1301 CLAY ST. SUITE 400S
OAKLAND, CALIFORNIA 94612

WILLIAM P. BURANICH, DAG
455 GOLDEN GATE AVE, SUITE 1100D
SAN FRANCISCO, CAL. 94102

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. This document was executed on OCT. 02, 2022 in San Joaquin County, California.

DANIEL VERDUZCO

Type or Print Name



Signature

DANIEL VERDUZCO, T-45537
CHCF BGA 126
P.O. Box 32110
STOCKTON, CA. 95213

CHCF SACRAMENTO CA 95834
CA DEPARTMENT OF CORRECTIONS
AND REHABILITATION
10/06/2022 PM 6:00
FIRST CLASS MAIL
ACTION
\$0.005711

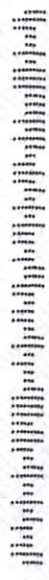


ZIP 95215
041L12203723

CONFIDENTIAL: LEGAL MAIL
CASE No. 19-cv-01440-JSW

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